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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,625	03/02/2006	Sebastien Boust	200309832-4	2264
22879 7590 10/15/2010 HEWLETT-PACKARD COMPANY Intellectual Property Administration 3404 E. Harmony Road Mail Stop 35 FORT COLLINS, CO 80528				
EXAMINER				
PHUNG, LUAT				
ART UNIT		PAPER NUMBER		
2464				
NOTIFICATION DATE		DELIVERY MODE		
10/15/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/536,625

**Applicant(s)**

BOUAT, SEBASTIEN

**Examiner**

LUAT PHUNG

**Art Unit**

2464

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 18-27 and 35 is/are allowed.
- 6) ☒ Claim(s) 11-13, 28-30 and 36 is/are rejected.
- 7) ☒ Claim(s) 14-17 and 31-34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date \_\_\_\_\_
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's arguments filed on July 29, 2010 have been fully considered but they are moot in view of the new ground(s) of rejection.
2. Claims 1-36 are pending.
3. Claims 1, 6, 8-11, 18, 23, 27, 28 and 33-36 have been amended.
4. Claims 11-13, 28-30 and 36 are rejected.
5. Claims 14-17 and 31-34 are objected to.
6. Claims 1-10, 18-27 and 35 are allowed.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
9. Claims 11-13, 28-30 and 36 are rejected under U.S.C. 103(a) as being unpatentable over Kim (US patent no. 6,320,949).

Regarding claims 11, 28 and 36, Kim discloses **a method and a system of restoring context information of a layer of a protocol stack of a node, and a method of restoring context information of a layer of a hierarchical structure of discreet layers, comprising:**

**receiving a message by a computing device;** (fig. 4, standby processor of remote subscriber system receiving message 438 containing DB1, DB2 and DB3)

**determining, by the computing device, whether the context information of the layer is to be stored;** (fig. 4; col. 3, lines 17-63; standby processor sends Ack in response to receiving a ready-to-receive enquiry message, indicating processor is ready to receive databases containing information related to the system; tone-related DB1, subscriber type DB2, and parameter related DB3 constitute context information of layers of a protocol stack or of a hierarchical structure of discreet layers) **and**

**where it is so determined,**

**determining, by the computing device, the presence, within the message, of context information relevant to the layer;** (fig. 4, line DB1, DB2, DB3 438; col. 6, lines 65+; DB1, DB2 and DB3 [as context information relevant to the layer] are transmitted via line 438 [as the message] to standby processor) **and**

**storing, by the computing device, the context information of the layer using the context information within the message.** (col. 4, lines 7+; standby processor stores DB1, DB2 and DB3).

Kim discloses *storing* the context information, as recited above, and not *restoring* the context information. However Kim discloses an active-standby architecture in which

a standby processor stores the databases, as recited above, and B channel number and subscriber number of talk state and call release state [as further examples of context information] (fig. 2, 5; col. 2, lines 39+; col. 4, lines 44-65). It would have been obvious to one of ordinary skill in the art at the time of the invention that in the event of system failure requiring a switchover, a similar procedure takes place to restore the context information, in order to improve system reliability and stability (col. 5, lines 10+).

Regarding claims 12 and 29, Kim further discloses wherein the step of determining determines whether the context information of the layer should be restored based in part on the context information of the layer and in part on the received message. (col. 4, lines 7+)

Regarding claims 13 and 30, Kim further discloses wherein the step of determining further comprises checking the existence at the layer of context information associated with the received message. (col. 3, lines 25-45)

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form 892).

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUAT PHUNG whose telephone number is (571) 270-3126. The examiner can normally be reached on M-Th 7:30 AM - 5:00 PM, F 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/536,625  
Art Unit: 2464

Page 6

/L. P./

Examiner, Art Unit 2464

/Ricky Ngo/  
Supervisory Patent Examiner, Art Unit 2464